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**FILED**

April 20, 2010

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS  
Docket No. BDS 6173-2009S

IN THE MATTER OF THE	:	
SUSPENSION OR REVOCATION OF	:	
THE LICENSE OF	:	Administrative Action
	:	
MITCHELL RICHMAN, M.D.	:	
LICENSE NO. MA42639	:	FINAL CONSENT ORDER
	:	
TO PRACTICE MEDICINE AND	:	
SURGERY IN THE STATE OF NEW	:	
JERSEY	:	

This matter was opened on May 14, 2009 to the New Jersey State Board of Medical Examiners ("Board") upon the filing of a seven-count Complaint by Anne Milgram, Attorney General of New Jersey (Deputy Attorney General Kay R. Ehrenkrantz), alleging that in his medical care of fifteen patients, Respondent Mitchell Richman, M.D. indiscriminately prescribed CDS, a violation of N.J.S.A. 45:1-21(m), engaged in acts of gross negligence and/repeated acts of negligence in his medical and psychiatric treatment of patients, a violation of N.J.S.A. 45:1-21(c) and (d), improperly and inadequately documented his treatment plans and basis for treatment decisions, a violation of N.J.S.A. 45:1-21(h), and exhibited poor medical judgment and knowledge, a violation of N.J.S.A. 45:1-21(e).

**CERTIFIED TRUE COPY**

Previously, in 1998, via a Consent Order, the Board required and Respondent agreed to complete specific education regarding Controlled Dangerous Substances ("CDS") and indiscriminate prescribing, based on his prescribing of CDS to one patient. In anticipation of the filing of a Verified Complaint, Respondent, through counsel Robert Conroy, Esq. agreed to an interim resolution. An Interim Consent Order was filed on May 14, 2009.

The Attorney General filed a seven count Complaint on May 14, 2009. Respondent filed an Answer on June 8, 2009 denying the allegations. The plenary hearing was set for March 22, 2010 before ALJ Patricia Kerins and, subsequently, adjourned until May 4, 2010.

In accordance with the Interim Consent Order, Respondent ceased practicing medicine voluntarily and completed an assessment of his medical skills and competency by the Albany Medical College Competency Center. Respondent also provided his CDS and DEA registrations to the Board.

Respondent, desiring to resolve this matter without the necessity for a formal hearing, and without admitting the allegations, and it appearing that Respondent has read, understands and consents to be bound by this Consent Order, and the Board finding that Respondent engaged in the statutory violations alleged in the Complaint, and the Board having determined that the within Consent Order adequately protects the public health, safety, and welfare:

It is therefore on this 20th day of April, 2010,

ORDERED THAT:

1. Respondent Mitchell Richman, M.D.'s license to engage in the practice of medicine and surgery in the State of New Jersey is hereby suspended for a period of four years effective upon execution of the within Consent Order. Two years shall be served as an active suspension and the remainder shall be stayed and shall be served as a period of probation, provided that Respondent fully complies with all terms and conditions of the within Consent Order;

2. Respondent shall continue to cease and desist from engaging in the practice of medicine in the State of New Jersey or any other jurisdiction until further Order of the Board, after his appearance before a Board committee. Any medical practice performed by Respondent in New Jersey shall constitute the unlicensed practice of medicine. Any medical practice performed in any jurisdiction by Respondent will toll the period of license suspension.

3. Respondent shall immediately return his original New Jersey license and current biennial registration to the Board, at 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183. Upon Order of the Board, such license shall be returned to Respondent or his counsel at the conclusion of the two-year period of active suspension.

4. Respondent shall immediately inform the Drug Enforcement Agency and New Jersey Office of Drug Control of this Order.

5. To the extent that such have not already been destroyed Respondent shall immediately surrender all prescription blanks in

his possession, to the Board, at 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183,.

6. During the active portion of his suspension, Respondent at his own expense, shall take and successfully complete, a professional boundaries course and medical record keeping course at either Case Western University or University of California San Diego. Successful completion means that all sessions were attended, all assignments were satisfactorily completed, and a passing grade was achieved which was unconditional and without reservations;

7. Respondent shall acquire a psychiatric and neuropsychological assessment from Board-approved practitioners. Respondent shall provide this Order, the Complaint and the Albany assessment to both providers. Treatment shall include, at a minimum, one session every two weeks, i.e. biweekly therapy sessions, with bi-monthly reports made by the therapist to the Board via the Physicians Assistance Program (PAP) for at least four years. Respondent agrees to establish a contract with the PAP, which requires reports by the PAP to the Board, including assessments and on-going reports. Monitoring of Respondent's compliance with this term shall be done by the PAP. Any modifications in these requirements shall be initiated and recommended by the PAP, based on the treatment providers' reports.

8. As a condition of reinstatement of a license to practice medicine and surgery in New Jersey, Respondent agrees not to prescribe Controlled Dangerous Substances ("CDS"). Additionally,

Respondent agrees that he will not serve as a treating physician for patients with psychiatric illnesses. Any patients requiring such treatment must be referred to other providers and/or specialists.

9. Respondent must demonstrate compliance with all terms included in this Consent Order, and fitness to practice, at a PEC as a prerequisite to termination of the period of active suspension. After his PEC appearance, the Board reserves the right to include limitations on Respondent's license.

10. Respondent shall pay a civil penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$45,000. Payment shall be made via certified check or money order payable to the Treasurer, State of New Jersey, and forwarded to William V. Roeder, Executive Director, New Jersey State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183. Payment shall be made within twenty (20) days from the date of this Consent Order. The Board reserves the right to file a Certificate of Debt in the event payment is not submitted as set forth above;

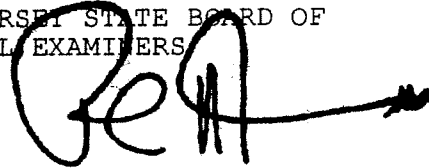
11. Respondent shall pay the Board's costs in this matter, pursuant to N.J.S.A. 45:1-25, in the amount of \$35,000, within 20 days from the date of this Consent Order. Such payment shall be made via certified check or money order made payable to the Treasurer, State of New Jersey and forwarded to William V. Roeder, Executive Director, New Jersey State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183. The Board reserves the right to file a Certificate of Debt

in the event payment is not submitted within 20 days of the filing of this Consent Order.

12. Respondent shall comply with the Directives Applicable to Board Licensees who are Disciplined or Whose Surrender of Licensure Has Been Accepted, which are attached hereto and are incorporated herein by reference.

This Consent Order shall be a full, complete and final resolution of the Complaint filed on May 14, 2009, except that the Board shall retain jurisdiction to enforce the terms of this Consent Order.

NEW JERSEY STATE BOARD OF  
MEDICAL EXAMINERS



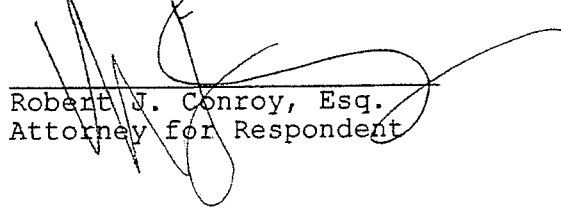
Paul Mendelowitz, M.D.  
Board President

I have read and understood the within Consent Order and agree to be bound by each and every term. Consent is hereby given to the Board to enter this Order.



Mitchell Richman, M.D.  
Respondent

Consented as to form and entry:



Robert J. Conroy, Esq.  
Attorney for Respondent

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE  
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE  
HAS BEEN ACCEPTED**

**APPROVED BY THE BOARD ON MAY 10, 2000**

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the addendum to these directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

**1. Document Return and Agency Notification**

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

**2. Practice Cessation**

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

### **3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies**

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

### **4. Medical Records**

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of



general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

## **5. Probation/Monitoring Conditions**

With respect to any licensee who is the subject of any Order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

**NOTICE OF REPORTING PRACTICES OF BOARD**  
**REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.